

1 ALAN HARRIS (CA Bar No. 146079)  
HARRIS & RUBLE  
2 6424 Santa Monica Boulevard  
Los Angeles, California 90038  
3 Telephone: (323) 962-3777  
Facsimile: (323) 962-3004

4 DAVID S. HARRIS (CA Bar No. 215224)  
NORTH BAY LAW GROUP  
5 116 E. Blithedale Avenue, Suite #2  
Mill Valley, California 94941-2024  
6 Telephone: (415) 388-8788  
7 Facsimile: (415) 388-8770

8 Attorneys for Plaintiff  
ANDREW CARR

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

13 ANDREW CARR, individually and on behalf  
14 of all others similarly situated,

15 Plaintiff,

16 v.

17 BEVERLY HEALTH AND  
REHABILITATION SERVICES, INC.,  
18 GOLDEN LIVINGCENTER - PETALUMA,  
and DOES 1 to 50,

19 Defendants.

Case No.: 12-CV-02980-EMC

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING MOTION TO  
DISMISS AND CASE MANAGEMENT  
CONFERENCE**

Courtroom: 5  
Judge: Hon. Edward M. Chen

1 The parties hereby stipulate as follows:

2 WHEREAS, Defendant Beverly Health and Rehabilitation Services, Inc. filed a Motion to  
3 Dismiss Pursuant to F.R.C.P. 12(B)(6) ("Motion to Dismiss"), which has been fully-briefed by all  
4 parties;

5 WHEREAS, on September 6, 2012, the parties filed a Stipulation and [Proposed] Order  
6 Selecting ADR Process. Specifically, the parties stipulated to participating in Private ADR  
7 through JAMS or a similar private mediator. The parties have stipulated to holding the mediation  
8 before the date of the Case Management Conference and before the date of the hearing on the  
9 Motion to Dismiss;

10 WHEREAS, on September 9, 2012, the Court entered an order approving the parties'  
11 Stipulation and Proposed Order Continuing Motion to Dismiss and Case Management Conference.  
12 The Motion to Dismiss is currently scheduled to be heard by the Court on November 9, 2012, at  
13 1:30 p.m. Additionally, the Case Management Conference is also currently scheduled to take  
14 place on November 9, 2012, at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, before the  
15 Honorable Edward M. Chen;

16 WHEREAS, the parties have agreed to engage in private mediation with Mr. Michael Loeb  
17 at JAMS in San Francisco. The first mutually-convenient date that Mr. Loeb was available,  
18 however, is November 20, 2012. As such, the parties respectfully request that the Court continue  
19 the parties' deadline to complete mediation, as well as continue the hearing on the Motion to  
20 Dismiss and the Case Management Conference, so that the parties may participate in mediation  
21 with Mr. Michael Loeb on November 20, 2012.

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1 IT IS THEREFORE STIPULATED AND AGREED that the hearing on the Motion to  
2 Dismiss and the Case Management Conference shall be continued until December 14, 2012, at  
3 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, if that date is convenient to the Court. The  
4 parties shall file a Joint Case Management Statement at least one week prior to the Case  
5 Management Conference.

6 **IT IS SO STIPULATED.**

7  
8 Date: October 4, 2012

Respectfully submitted,

NORTH BAY LAW GROUP

By /s/  
David S. Harris

Attorneys for Plaintiff  
ANDREW CARR

13 Date: October 4, 2012

DINSMORE & SHOHL LLP

By /s/  
Carly Chu

Attorneys for Defendant  
BEVERLY HEALTH AND  
REHABILITATION SERVICES, INC.

19 **IT IS HEREBY ORDERED AS FOLLOWS:**

20 The parties shall complete mediation before December 14, 2012. The hearing on the  
21 Motion to Dismiss and the Case Management Conference is continued to December 14, 2012 at  
22 1:30 p.m. in Courtroom 5. The parties shall file a Joint Case Management Statement at least one  
23 week prior to the Conference.

25 DATED: October 4, 2012



Honorable Edward M. Chen  
United States District Court Judge